THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No. 13732 OF 2007

Dt: 29th June 2007

Between:

A.K.Syed Gulam Ahmed

…Petitioner

and

The Govt.of A.P., rep.by Principal Secretary,
G.A.(Accommodation) Department,
Secretariat, Hyderabad & others

…Respondents

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O R D E R:

The petitioner retired from Government Service, way back in the year 1986. While in service, he was allotted quarter C-56, at Patigadda Colony, Secunderabad. However, he did not vacate the same, though he was retired from service. On their part, the respondents have slept over the matter, may be with the connivance of the petitioner. It was only when the Hon'ble Supreme Court issued directions in Civil Appeal No.4064 of 2004, that the respondents woke up and initiated proceedings against the petitioner for eviction as well as recovery of penal rent. The petitioner was issued letter dated 13.6.2007, through which he was called upon to pay the accumulated penal rent of Rs.12,56,000/-, for the past 21 years. It is stated that the petitioner was forcibly evicted from the premises. He challenges the letter, dated 13.6.2007, issued by the 2nd respondent.

Heard the learned counsel for the petitioner and learned Government Pleader for GAD.

It is rather unfortunate that the respondents did not evince the required amount of interest, in the matter of allotment of quarters and eviction of the retired employees there from. For all practical purposes, the petitioner treated the government quarter, as his private property, and continued in possession for 21 years, after retirement. It is not in dispute that the Government Rules provide for levy of penal interest for unauthorized occupation of any government quarter. Though the respondents were required to take such steps, they delayed it, and swung into action, on a direction issued by the Hon'ble Supreme Court.

To the extent that the petitioner was evicted from the quarter, there cannot be any plausible objection, assuming that there were minor lapses in the issuance of notice, etc. So far as the levy of penal rent of Rs.12,56,000/- is concerned, the petitioner can certainly make representation, drawing the attention of the respondents to the payments, if any, made by him, as well as the discrepancies, as to levy of the amount.

Hence, the writ petition is disposed of, leaving it open to the petitioner, to submit a representation on the impugned letter, by furnishing the relevant facts and figures. Before the respondents take any coercive steps for recovery of penal rent, they shall take into account, the representation that may be submitted by the petitioner.

Learned counsel for the petitioner submits that several articles belonging to the petitioner are still in the premises, on account of the fact that he was forcibly evicted. The respondents shall give an

opportunity to the petitioner, to remove the articles.

There shall be no order as to costs.

29th June 2007

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